

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on July 24, 2019, which may be different from its entry on the record.

**IT IS SO ORDERED.**

**Dated: July 24, 2019**



  
ARTHUR I. HARRIS  
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND DIVISION**

In Re:

Case No. 19-12429-aih

Douglas R. Majoras  
Pamela R. Majoras

Chapter 13

Debtor.

Judge Arthur I. Harris

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**AGREED ORDER RESOLVING OBJECTION TO CONFIRMATION OF CHAPTER 13  
PLAN (DOC. 20)**

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This matter having come on before the Court upon the Objection to Confirmation of Plan filed herein by the secured creditor, U.S. Bank Trust National Association, as Trustee of the Chalet Series III Trust (“Creditor”); and it appearing to the Court that the parties have agreed to a course of action which will resolve the objection. The Parties have agreed to a course of action which will permit the Debtors to perform under the terms of their Chapter 13 plan conditioned upon certain provisions incorporated herein for the protection of Movant; being otherwise fully advised in the premises, hereby issues the following agreement with respect thereto:

1. The Chapter 13 Plan filed herein by Douglas R. Majoras and Pamela R. Majoras (hereinafter "Debtors") provides that said Debtors is to make their regular monthly mortgage payments to Movant through the Plan by the Trustee and to cure any pre-petition arrearage.
2. The Movant and Debtors agree there is no automatic stay under 11 U.S.C. §362(c)(4)(A)(1) currently in effect as the property was sold at foreclosure sale prior to the filing of the bankruptcy and therefore is not property of the estate.
3. The Movant and Debtors are parties in a stayed state court foreclosure case.
4. Per the terms of this Agreed Order and Debtors Chapter 13 Plan, Movant agrees to forbear from pursuing its state court remedies in foreclosure.

The Court hereby orders as follows:

1. Debtors shall make all payments due under the Chapter 13 Plan timely and no later than the last day of the month in which it is due;
2. In the event of a Default, the Creditor shall send a letter to the Debtors and Debtors' attorney with notice of the Default and a 10-day opportunity to cure the Default.
3. If the Debtors fail to cure the Default, Creditor shall file an affidavit of Default indicating that the Default has not been cured, and submit a proposed order confirming that the stay is inapplicable and that Movant is entitled to proceed with state court remedies. Upon entry of said order, Movant shall no longer be bound by the terms of Debtors' Chapter 13 plan under 11 U.S.C. 1327(a) and shall proceed with its state court remedies in foreclosure without any further notice or hearing by this Court.

Lastly, the Debtors are limited to only one notice of Default. Upon a second default Movant need only to file an affidavit of Default and submit the proposed order asserting stay is

inapplicable. Upon entry of said order Movant shall no longer be bound by the terms of Debtors' Chapter 13 plan under 11 U.S.C. 1327(a) and shall be entitled to proceed with its state court remedies in foreclosure.

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SUBMITTED AND APPROVED BY:

/s/ Molly Slutsky Simons

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